

REMARKS

Upon entry of the amendments described herein, claims 1-42, and 48 are cancelled, claims 43, 47, 49-51 and 70 are currently amended, and claims 80-144 are newly presented. Support for the amendments and new claims can be found throughout the specification and claims as originally filed. Claim 51 was amended to correct a typographical error regarding a subscript. Claim 47 is amended to more clearly recite that cancer cells are inhibited from metastasizing to a lung. Support is provided in the specification as originally filed in paragraphs 0132, 0135 and 0136 . No new matter is being entered upon entry of these amendments. Claims 77-79 were previously cancelled.

Claims 48, 49, 60-62, 64 and 76 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 48 has been written in independent form by amending independent claim 43 to include the limitations of claim 48. Accordingly, claims 44-47, and 49-76, which all ultimately depend from claim 43, should also be allowable.

Claim 50 has been amended to make the claim even clearer that the subject mammal comprises an immune system. Support

Claim 60 has been written in independent form as new claim 80 by combining the limitations of independent claim 43 with the limitations of claim 60. Hence, new claims 81-112, which all ultimately depend from claim 80, should also be allowable.

Claims 61, 62 and 64 all depend in their original form on claim 60 and should therefore be allowable in their current form.

Claim 76 has been written in independent form as new claim 113 by combining the original limitations of claims 43, 74 and 76. Hence, new claims 114-144, which all ultimately depend from claim 113, should also be allowable.

Claims 1-41 were previously withdrawn subject to a restriction requirement. Applicants have now cancelled these claims to advance prosecution and reserve the right to file these claims as originally filed in one or more divisional applications without prejudice.

Claims 70 and 71 were also previously withdrawn subject to a restriction requirement. Applicants have amended claim 70 to depend from currently amended independent claim 43 and to make it even clearer. Because independent claim 43 is allowable in view of the amendment to include the allowable subject matter of claim 48, claim 70 should be allowable too, as well as claim 71 which depends from claim 70. As well, Applicants reserve the right to file claims 70 and 71 as originally filed in one or more divisional applications without prejudice.

I. Allowable Subject Matter

Claims 48, 49, 60-62, 64 and 76 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Although applicants do not necessarily agree that these are the only allowable claims, applicants have nevertheless made suitable amendments, as described herein, in order to advance this patent application to allowance.

II. Claim Objections

Claims 43 and 51 were objected to because the term GM3 in claim 51 does not properly have a subscripted “3”. This informality has been corrected by amendment to claim 51.

II. Claim Rejections under 35 U.S.C. 112

Claims 50 stands rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite because claim 50 recites “...the immune system...” on line 2, however claim 43 lacks antecedent basis for this recitation. Claim 50 has been suitably amended and the rejection is moot.

Claim 71 stand rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite because claims 70 and 71 recite “the molecular weights” however claim 1 lacks antecedent basis for “molecular weights”. Claim 70 has been suitably amended and the rejection is moot.

III. Claim Rejections – 35 USC 103

Claims 43-47, 50-59, 63, 65-69 and 72-75 stand rejected as allegedly being unpatentable for being obvious over Ragupathi and further in view of Lloyd and Otsuka. Although applicants do not necessarily agree, they have amended the claims in accordance with the indication of allowable subject matter in order to advance prosecution. Hence, these rejections are moot.

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IV. Conclusions

Applicants urge the examiner to enter the amendments and new claims, consider the remarks, and pass all of the pending claims to allowance as soon as possible. If the examiner is of a different view, or would like to discuss the claims further, she is asked to kindly call applicants' attorney listed below.

Respectfully submitted,

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